IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 19285 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE SELF-FINANCE P.T.C. & C.P.ED. COLLEGE - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MR HJ NANAVATI for Petitioner(s) : 1,

MS MANISHA L SHAH AGP for Respondent(s) : 1-2.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 08/09/2006

ORAL JUDGMENT

1. Rule. Learned Asst. Government Pleader Ms. Shah wavies service of rule on behalf of respondents. At the joint request of the learned advocates appearing for the parties, the petition is taken up for final disposal today.

2. In this petition, Gujarat State Self-Finance P.T.C. & C.P.Ed College Management Association has approached this Court against a condition imposed by the State Government in its communication dated 24/7/2006. The said communication pertains to procedure for regulating admissions in the management quota seats of Private Un-aided Institutions imparting education in PTC courses. Condition No.1 in the said communication provides that the candidates seeking admission to such a seat should have applied earlier to the Centralized Admission Committee. Said condition was found unsustainable by this Court by order dated 30th August, 2006 passed in Special Civil Application No.17385/06 and connected matters. In this regard, this Court made following observations:

7. Only to this extent, the petitions are required to be accepted. It is made clear that none of the other conditions are under challenge before this Court nor this Court has in any manner whittled down other conditions mentioned in the communication dated 24.7.2006 as also the requirement of fulfilling other legal conditions.

8. In the result, condition No.1 of communication dated 24.7.2006 is quashed. It would be open for the petitioners to apply for the management quota of seats of PTC course in self-financed institutions provided they fulfill necessary eligibility criteria. Their applications will be considered in accordance with rules and other conditions imposed by the Government in its communication dated 24.7.2006. To the above limited extent, the petitions succeed. Rule is made absolute to the above extent with no order as to costs.

3. It can thus be seen that the condition itself is

found to be inapplicable. Candidates seeking admission of such courses should, therefore, be considered without preference to the said condition, of course subject to fulfillment of all other requirements and on the basis of their merits.

4. In view of these observations and directions, it is expected that the authorities will not insist on individual orders from the Court for wavier of the said requirement.

5. With these directions, the petition is disposed of. Rule is made absolute to the above extent. No costs.

Direct service permitted.

(Akil Kureshi, J.)

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